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SEP 03 2008

OFFICE OF PETITIONS

In re Application of :
Balint et al. :
Application No. 10/677,131 : LETTER REGARDING
Filed: September 30, 2003 : PATENT TERM ADJUSTMENT
Atty Docket No.021167-001100US:

This is in response to the "COMMUNICATION - LETTER OF CANDOR AND GOOD FAITH REGARDING PATENT TERM ADJUSTMENT," filed July 8, 2008. Pursuant to their duty of candor and good faith to the Office, applicants request review of the patent term adjustment indicated on the Notice of Allowance.

The request for review of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is forty-four **(44)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On April 9, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 211 days. Applicants request review of any adjustments to the Patent Term as a result of the submission of the Request for Continued Examination (RCE) filed on October 22, 2007 and the Supplemental Amendment filed on January 3, 2008 in response to the Final Office action of April 20, 2007.

A review of the record confirms that in response to the Office action mailed April 20, 2007, applicant did not file an RCE

until October 22, 2007, three months and 94 days later. As such, a period of reduction of 94 days should have been entered pursuant to 37 CFR 1.704(b).

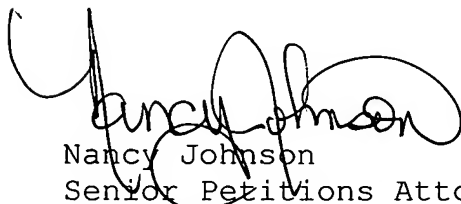
In addition, after the filing of the RCE on October 22, 2007, on January 3, 2008, applicants filed a supplemental response. This response was not expressly requested by the examiner. As such a period of reduction of 73 days should have been entered pursuant to 37 CFR 1.704(c)(8).

As such, the correct initial determination of the patent term adjustment at the time of the mailing of the notice of allowance is forty-four (44) days.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks Applicants for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Office of Data Management for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded and the period is not consumed by the request for continued examination).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the typed name and title.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Saturday
Date: 8/30/2008

PALM INTRANET

Time: 17:32:19

PTA Calculations for Application: <u>10/677131</u>			
Application Filing Date:	09/30/2003	PTO Delay (PTO):	309
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	98
Post-Issue Petitions:	0	Total PTA (days):	44
PTO Delay Adjustment:	-167		

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
70	08/30/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		73	
69	08/30/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		94	
61	04/09/2008	MAIL NOTICE OF ALLOWANCE			
60	04/08/2008	ISSUE REVISION COMPLETED			
59	04/07/2008	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
58	04/07/2008	DOCUMENT VERIFICATION			
57	04/02/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
56	03/31/2008	EXAMINER'S AMENDMENT COMMUNICATION			
55	03/31/2008	NOTICE OF ALLOWABILITY			
54	01/08/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
53	08/23/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
52	10/22/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
51	03/13/2008	PARALEGAL TD ACCEPTED			
50	01/03/2008	TERMINAL DISCLAIMER FILED			
49	01/16/2008	DATE FORWARDED TO EXAMINER			
48	01/03/2008	SUPPLEMENTAL RESPONSE			
47	01/04/2008	PARALEGAL TD NOT ACCEPTED			
46	10/22/2007	REFERENCE CAPTURE ON IDS			
45	10/22/2007	IDS WITH 1 MO. CERTIFICATION STATEMENT			
44	10/25/2007	DATE FORWARDED TO EXAMINER			
43	10/22/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
42	10/25/2007	DATE FORWARDED TO EXAMINER			

41	10/22/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
40	10/25/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
39	10/22/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
38	10/22/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	10/22/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
36	08/23/2007	REFERENCE CAPTURE ON IDS			
35	08/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
34	08/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	04/20/2007	MAIL FINAL REJECTION (PTOL - 326)			
32	04/16/2007	FINAL REJECTION			
31	02/09/2007	DATE FORWARDED TO EXAMINER			
30	01/19/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
29	01/19/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
28	11/15/2006	MAIL RESTRICTION REQUIREMENT			
27	11/13/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
26	09/11/2006	DATE FORWARDED TO EXAMINER			
25	08/29/2006	RESPONSE AFTER NON-FINAL ACTION		98	22
24	08/29/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
22	02/23/2006	MAIL NON-FINAL REJECTION			
21	02/21/2006	NON-FINAL REJECTION			
20	11/07/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	11/07/2005	REFERENCE CAPTURE ON IDS			
18.7	11/07/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	16
18	11/07/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	11/21/2005	DATE FORWARDED TO EXAMINER			
16	11/07/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
15	10/05/2005	MAIL RESTRICTION REQUIREMENT	309		-1
14	10/03/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
13	06/24/2005	IFW TSS PROCESSING BY TECH CENTER			

		COMPLETE			
12	06/24/2005	CASE DOCKETED TO EXAMINER IN GAU			
11	03/27/2004	APPLICATION RETURN FROM OIPE			
10	03/27/2004	APPLICATION RETURN TO OIPE			
9	03/26/2004	APPLICATION DISPATCHED FROM OIPE			
8	03/29/2004	APPLICATION IS NOW COMPLETE			
7	02/11/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEEXAM			
6	02/11/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	12/22/2003	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	12/11/2003	CASE CLASSIFIED BY OIPE			
3	12/11/2003	CLEARED BY OIPE CSR			
2	11/14/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/30/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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